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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,792	09/29/2006	Holger Ratz	W1.2315 PCT-US	6721
7590 Douglas R Hanscom Jones Tullar & Cooper P O Box 2266 Eads Station Arlington, VA 22202			EXAMINER DESAI, HEMANT	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 10/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,792	<b>Applicant(s)</b> RATZ, HOLGER	
	<b>Examiner</b> Hemant M. Desai	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-37 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 35-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/06</u> . | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Applicant's election of Group II, claims 22-34 in the reply filed on 9/14/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22-29, 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by German reference (19828625).

German reference discloses a product folding apparatus comprising a transport track (19) adapted to transport a product (13) and having a transport track drive mechanism (15, 16), a longitudinal folding apparatus connected to the transport track and adapted to receive the product from the transport track, a folding blade (32) in the longitudinal folding apparatus, a folding table (11) supporting the folding blade, a folding blade drive motor (40) usable to raise and lower the folding blade with respect to the folding table through a folding blade drive gear and being independent of the transport track drive mechanism, a folding blade drive motor control device (37), and a product sensor (42) associated with the transport track and usable to detect a product phase

Art Unit: 3721

relationship for determining a product passage time (see col. 4, lines 1-12) , the product sensor controlling the folding blade drive motor (see col. 3, lines 27-38), which meets all the claimed limitations.

Regarding claim 23, German reference discloses a folding blade support lever (38, 38a, fig. 2) pivotably attached to the folding table.

Regarding claims 24-26, German reference discloses a movable buffer (15, 16) that slows down a product entering the longitudinal folding apparatus along a product travel path at a product entry speed (see col. 3, lines 1-12).

Regarding claim 27, German reference discloses that the product sensor (42) controls the buffer drive mechanism.

Regarding claims 28-29, German reference discloses that the movable buffer is an endless belt and further including a rotatable body supporting said endless belt, said endless belt extending along said product travel path.

Regarding claim 33, German reference discloses that the product sensor is usable to synchronize movement of the folding blade with the product phase relation.

Regarding claims 34, German reference discloses the product sensor is usable to synchronize the movement of the buffer using the product phase relationship.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over German reference (19828625) in view of German reference (19802995).

The German reference ('625), as mentioned above, discloses all the claimed limitations, except for a shunt arranged to selectively supply products. However, German Patent ('995) discloses that it is well known in the art to provide a shunt (5, 28, see fig. 1) to selectively supply products (10) for further processing. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shunt as taught by German Patent ('995) in the product folding apparatus of German Patent ('625) to selectively supply products for further processing.

Regarding claims 31-32 the German Patent ('995) teaches that a shunt drive mechanism (6, fig. 2) and a shunt drive mechanism control device (24, fig. 2) and further including a shunt sensor (19) located before the shunt and usable to actuate the shunt drive mechanism control device.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Hemant M. Desai*

Hemant M Desai  
Primary Examiner  
Art Unit 3721

/hd/